

44 PLAR 15

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CLAUDIA BILDIRICI, on behalf of minor child, LOTTIE
BILDIRICI

Plaintiffs,

-against-

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

THE BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK (d/b/a The
Department of Education of the City School District of the
City of New York)

Defendant(s).
----- X

08 CV 3967 (LAK)
SDNY

MENT

IRONICALLY FILED

#:

FILED: 7/7/08

WHEREAS, plaintiff commenced this action by filing an amended complaint on May 5, 2008, to recover attorneys' fees and costs related to administrative proceedings brought pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1415 *et seq.*; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiffs' attorneys the sum of \$28,000 in full satisfaction of all claims that were or could have been raised in this action, including all claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants and to release all defendants, their successors or assigns and all present or former officials, employees representatives or agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from the allegations set forth in the complaint, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations except for enforcement of the provisions contained herein.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

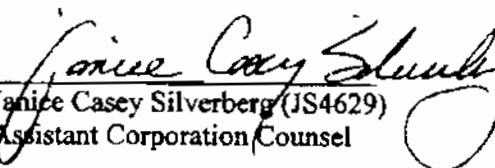
matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 30, 2008


Tikhomirov & Roytblat, P.L.L.C.
Attorney for Plaintiffs
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MICHAEL A. CARDOZO
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City of New York
Attorney for Defendants
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New York, N.Y. 10007
(212) 788-8119

By: 
Anton Papakhin (AP4680)
Attorney for Plaintiffs

By: 
Janice Casey Silverberg (JS4629)
Assistant Corporation Counsel

SO ORDERED:


U.S.D.C.


7/7/08

RELEASE

KNOW THAT I, Claudia Bildirice, the plaintiff in the action entitled Claudia Bildirici o/b/o Lottic Bildirici v. The Board of Education of the City School District of the City of New York (d/b/a The Department of Education of the City School District of the City of New York) 08CV3967 in consideration of the payment of \$28,000 in attorneys' fees and costs by the City of New York, do hereby release and discharge the defendants, their successors, or assigns, and all past and present officials, employees, representatives and agents of the New York City Department of Education and the City of New York from any and all liability for claims, arising out of the events alleged in the complaint in said action, including all claims for attorney's fees and costs.

This Release may not be changed orally.


THE UNDERSIGNED HAS READ THE FOREGOING RELEASE AND FULLY UNDERSTANDS IT.


Claudia Bildirici

IN WITNESS WHEREOF, I have executed this Release this day of June,
2008

STATE OF NEW YORK COUNTY OF NEW YORK SS.:
On June 30TH 2008 before me
personally came Claudia Bildirice

to me known, and known to me to be the individual(s) described in, and who executed the foregoing RELEASE, and duly acknowledged to me that he executed the same.


NOTARY
ANTON PAPAKHIN
 Notary Public, State of New York
 No. 62PAR125601
 Qualified in Kings County
 Commission Expires April 18, 2008

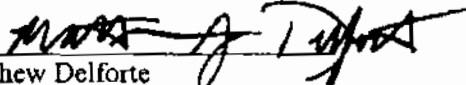
RELEASE

KNOW THAT I, Matthew Delforte, Esq., a partner in the law firm Shebitz Berman Cohen & Delforte, P.C., has submitted a claim for attorney's fees incurred in the course of administrative proceedings brought pursuant to the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1415 *et seq.* in an action entitled Claudia Bildirici o/b/o Lottie Bildirici v. The Board of Education of the City School District of the City of New York (d/b/a The Department of Education of the City School District of the City of New York) 08 CV 3967 in which this firm is not the attorney of record. In consideration of the sum of \$12,923.04, paid to this firm by the City of New York as part of the total settlement of \$28,000 in this matter, pursuant to paragraph 2 of the Stipulation and Order of Settlement and Discontinuance, dated June 30, 2008, Shebitz Berman Cohen & Delforte P.C. does hereby release and discharge the defendants, their successors, or assigns, and all past and present officials, employees, representatives and agents of the New York City Department of Education and the City of New York from any and all liability for claims, arising out of the events alleged in the complaint in said action, including all claims for attorney's fees and costs.

This Release may not be changed orally.

New York, New York
June 30, 2008

SHEBITZ BERMAN COHEN & DELFORTE, P.C.

By: 
Matthew Delforte
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